

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**KEITH REED, ELIZABETH SCHENKEL,
EMILY WINES, MARK GARAN and
AUGUST ULLUM, individually and on
behalf of others similarly situated,**

Plaintiffs,

v.

**Civil Action No.: 5:19-cv-263
Judge Bailey**

**ALECTO HEALTHCARE SERVICES LLC,
and ALECTO HEALTHCARE SERVICES
WHEELING, LLC d/b/a OHIO VALLEY
MEDICAL GROUP and d/b/a OVMC
PHYSICIANS,**

Defendants.

DEFENDANTS' RULE 26(a)(3) DISCLOSURES

Pursuant to Federal Rule of Civil Procedure 26(a)(3) and this Court's Scheduling Order, Defendants Alecto Healthcare Services LLC ("AHS") and Alecto Healthcare Services Wheeling ("AHSW" and together with AHS, the "Defendants") hereby disclose the following:

I. Witnesses Defendants Expect to Call

- Michael Sarrao - 34 Glen Echo, Dove Canyon, CA 92679, please contact exclusively through undersigned counsel.

II. Witnesses Defendants May Call If The Need Arises

- Jeremy Redin - AHS offices at 101 N Brand Blvd, Glendale, CA 91203 please contact exclusively through undersigned counsel
- Mark Bradshaw - 34300 Lantern Bay Drive #97, Dana Point, CA 92629 please contact exclusively through undersigned counsel, as Mr. Bradshaw is jointly represented by the undersigned's firm in this matter.

III. Deposition Designations

The Defendants intend for the following witnesses to appear by deposition:

- Michael Sarrao - 34 Glen Echo, Dove Canyon, CA 92679, please contact through undersigned counsel.
- Lexman Reddy - 5524 Amber Circle, Calabasas, CA 91302, please contact through undersigned counsel.
- Daniel Dunmyer -11103 Laughton Circle, Fort Myers, FL 33913, please contact through undersigned counsel.
- Roger Krissman - 1541 Spyglass Drive, Upland, CA 91786 please contact through undersigned counsel.
- Elizabeth Schenkel - 6768 Logan Thornville Road Northeast, Rushville, OH 43150 please contact through Plaintiffs' counsel.
- Mark Garan -68 Finch Avenue, Wheeling, WV 26003 please contact through Plaintiffs' counsel.
- Keith Reed - 602 Frayne Street, Pittsburgh, PA 15207, please contact through Plaintiffs' counsel.
- Emily Wines - 56970 Valley Drive, Jacobsburg, OH 43933-8753 please contact through Plaintiffs' counsel.
- August Ullum -219 Arrowhead Drive, Moundsville, WV 26041 please contact through Plaintiffs' counsel.

Additionally, in the event that a witness is not available, the Defendants reserve the right to present the witness's testimony by deposition, including the videotaped deposition. Upon information and belief, Plaintiffs already possess transcripts of all depositions taken in this action. If Plaintiffs do not have a transcript from a deponent listed above, the Defendants will timely provide a copy upon request.

IV. Exhibits Defendant Expects to Offer

Bates No.	Document Description
1-2	August 7, 2019 press release
3-4	August 8, 2019 letter to Wheeling Mayor
5-6	August 8, 2019 letter to WV Dislocated Workers Unit
12-81	OVMC Employee Policies
82 & 15077	August 8, 2019 letter to OVMC employees with Exhibit A list of affected positions
91-2018 14787-15075	Payroll registers
2019-2020	Organization Charts OVMC
2021	Organization Chart AHS
2022-2130	2017 Asset Purchase Agreement
2131	2017-2019 Consolidated Balance Sheet for Alecto Healthcare Services Ohio Valley LLC

2132-2183 14343-14757	Bank Account Statements from Huntington National Bank and WesBanco Inc.
2189	2017-2019 Consolidated Income Statement for Alecto Healthcare Services Ohio Valley LLC
2190-2211	Management Services Agreement
2212-2226	Operating Agreement of AHSW
2227-2360	2017 tax filings of Alecto Healthcare Services Ohio Valley LLC
2963	Email help list
3135	Email from Dan Dunmyer to All Staff on September 3, 2019
3543	
6707-6712	Forwarded email from Dan Dunmyer to All Staff on August 7, 2019, including attachments
6901	Email from Dr. Mark T. Vollenger terminating lease
14758	Employee census dated August 8, 2019
14759-14786	2019 OVMC employee benefits guide
15138	Email
16142-16429	Application to WV Healthcare Authority for Certificate of Need
16430-16432	Letter to His Excellency, Most Reverend Mark E. Brennan, D.D.
16435-16440	Letter to Governor Jim Justice
16447-16448	Letter to Wheeling Hospital CEO Ronald Violi
16449-16526	AHSOV Operating Agreement
16533-16537	Letter to Jolynn Marra dated August 8, 2019
16574-16602	Memorandum of Master Lease (Ohio Co., WV)
16603-16650	Assignment of Rents and Leases
16651-16659	Deed from Ohio Valley Health Services and Education Corporation to AHSW
16660-16684	Deed from Ohio Valley Medical Center, Inc. to AHSW
16685-16715	Deed from AHSW to MPT of Wheeling-Alecto LLC
16716-16729	Memorandum of Master Lease (Belmont Co., OH)
16730-16761	Employee census dated August 25, 2019
16762-16763	AHSW Press Release dated September 3, 2019
16769	JBDev Timecards (produced natively in excel)
16770-16771	AHS Balance Sheet & Income Statement
16774-17284	Base Borrowing Certificates for year 2019
27650	E-mail(s) regarding Wheeling Hospital
33416	Dan Dunmyer email to All Staff dated 8/7/2019
34110	Email(s) regarding Monarch Health Services Group
34115	Email(s) regarding Access Ohio
34116	Email(s) regarding Cleveland Primecare Belmont
34173	E-mail(s) regarding ICA Group
34927-8	E-mail(s) regarding Diamond Health
34942	E-mail(s) regarding Health Trust Group

34972	E-mail(s) regarding Universal Health Services
34980-2	Email(s) regarding Allergy Services of America LLC
34985	E-mail(s) regarding Acadia Healthcare Company, Inc.
34991-2, 35952	Email(s) regarding Trinity Health
35012-3	Email(s) regarding Northwood Health
35071-2	Email(s) regarding WVU Medicine
35078-80	Email(s) regarding GR&W, Inc dba Harmony, R.O.O.T.S. & Transformations TMS
35103	Email(s) regarding Firm Healthcare System LLC
35536	Email(s) regarding Monarch Health Services Group
35581	E-mail(s) regarding Diamond Healthcare
35624-5	Email(s) regarding interested buyer represented by John Scott Law
35934	E-mail(s) regarding Washington Health Systems
36419	LOC Activity 2017 - 2021 OVMC (produced natively excel)
36420-36421	OVMC Consolidated Trended Balance Sheet 06-2017 to 11-2021
36422-36423	OVMC Consolidated Trended Income Statement 06-2017 to 11-2021
36424-36426	AHS/OVMC Intercompany Transactions
36427-36428	OVMC Trended Patient Accounts Receivable
36429 - 36434	MPT UCC-1s
36435-36444	White Oak UCC-1s
38149	Addresses as of 08.05.2019 (WARN employee list)

V. Exhibits Defendant May Offer If The Need Arises

Bates No.	Document Description
7-11 16533-16537	Letter to Joclyn Marra
85	WARN letter to EORH employees
2184	AHSW Certificates of Formation
2189	2017-2019 Consolidated Income Statement for Alecto Healthcare Services Ohio Valley LLC
2730-1	Email
33025	Pharmacy letter
14197-14323	2019 tax filings of Alecto Healthcare Services Ohio Valley LLC
14324-14342	Accounts Payable Report
16013-16141	2018 tax filings of Alecto Healthcare Services Ohio Valley LLC
16433-1634	Letter to Congressman Sherrod Brown & Congressman Bill Johnson

16441-16446	OVMC & EORH Handout
16527-16529	AHSOV written consent dated May 31, 2017
16530-16532	AHSW written consent dated May 31, 2017
16538-16541	Draft Closure Timeline to Jolynn Marra
16542-16545	AHSOV written consent dated June 1, 2017
16546-16549	AHSW written consent dated June 1, 2017
16550-16560	AHSOV written consents dated May 31, 2017, July 3, 2018 and July 3, 2019
16561-16571	AHSW written consents dated May 31, 2017, July 2, 2018, and July 3, 2019
16572-16573	Redacted AHS Written consent dated February 1, 2017
16764-16768	AHSOV certificates of formation
16772-16773	Unredacted AHS Written Consent dated February 1, 2017
17589	Dan Dunmyer Email 8/19/2019
28041-2	Email from Jennifer Coello dated 8/7/2019
31922	Draft OVMC closure timeline (produced natively)
35970-36012	Redacted AHS Operated Agreement
36013-36019	Redacted Fifth Amendment to AHS Operating Agreement
36020-36034	Redacted First Amendment to AHS Operating Agreement
36035-36041	Redacted Fourth Amendment to AHS Operating Agreement
36042-36142	Personnel folder August Ullum
36143-36399	Personnel folder Keith Reed
36400-36406	Redacted Second Amendment to AHS Operating Agreement
36407-36413	Redacted Third Amendment to AHS Operating Agreement
36414-36415	EORH Intercompany Transactions
36417-36418	EORH Trended Patient Accounts Receivable
38097-38148	2017 and 2018 OVMC Employee Benefits Guide
38150	Key from payroll journals
REED_000001-3	Email from Keith Reed to Zachary Elerick 9/4/2019
REED_000004	Keith Reed Handwritten Notes
REED_000006-13	Facebook Page of Keith Reed
REED_000041-43	Employee FAQ
REED_000015-20	Notice of Permanent Closure of OVMC dated August 8, 2019
REED_000021-22	Press Release August 7, 2019
REED_000062-63	Screenshot of text message between Keith Reed and Elizabeth Tucker
SCHENKEL_000010	Plaintiff Schenkel Payroll Stub
SCHENKEL_000013	Letter dated August 8, 2019
SCHENKEL_000017-18	Employee Q&A (First Set)
SCHENKEL_000019-22	Employee Q&A (Second Set)
SCHENKE_000052-56	Schedules with handwritten notes
ULLUM_000001-2	Resume of August Ullum
ULLUM_000003-13	Letter dated August 8, 2019

WINES 000014-15	HealthPlan letter
WINES 000016	Form 1095-C for 2019 for Plaintiff Wines
WINES 000002-11	Text message screenshots of Plaintiff Wines

1. The Defendants reserve the right to identify additional documents upon receipt and review of the documents identified by Plaintiffs.
2. The Defendants reserve the right to use additional exhibits for purposes of rebuttal or impeachment.
3. The Defendants further reserve the right to supplement or amend their disclosures herein as necessary.

**ALECTO HEALTHCARE SERVICES LLC and ALECTO
HEALTHCARE SERVICES WHEELING LLC**

By Counsel,

SPILMAN THOMAS & BATTLE, PLLC

/s/ Kevin L. Carr

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Defendants.

CERTIFICATE OF SERVICE

I certify that on August 1, 2022 I electronically filed the **Defendants' Rule 26(a)(3) Disclosures** with the Clerk of the Court using the CM/ECF system, which will send electronic notice to all counsel of record as follows:

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